

and misleading as applied to peanut butter in which excess air had been incorporated and which contained foreign fat. It was alleged to be misbranded further in that the statements "8 Fl. Ozs." and "15 Fl. Ozs." were false and misleading since they were not correct. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

### OLIVE OIL

**1189. Misbranding of olive oil. U. S. v. 12 Cases of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 1838. Sample Nos. 4713-E, 4826-E.)

Examination showed this product to be short of the declared volume.

On April 18, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 12 cases of olive oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Bottles) "Pure Olive Oil 4 Fluid Ozs. Packed for John Hoffman & Sons Co. Milwaukee."

The article was alleged to be misbranded in that the statement "4 Fluid Ounces" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On June 4, 1940, R. Gerber Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in conformity with the law.

### CANDY

**1190. Adulteration of candy. U. S. v. 4 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 2366. Sample No. 20241-E.)

This product contained insect fragments, rodent hairs, and feather barbs.

On July 18, 1940, the United States attorney for the Western District of South Carolina filed a libel against four boxes of candy at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about June 3, 1940, by the Crown Candy Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Buttered Peanut Cocomanut Crisp."

On August 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1191. Adulteration of candy. U. S. v. 68 Cases of Candy (and 9 other seizure actions against candy). Default decrees of condemnation and destruction.** (F. D. C. Nos. 1479, 1518, 1550, 1605, 1807, 1809, 1851, 1863, 1876, 1931. Sample Nos. 63832-D, 63833-D, 85007-D, 85008-D, 85013-D, 66982-D, 66983-D, 66984-D, 66985-D, 15702-E, 15703-E, 15704-E, 16228-E, 16426-E, 16427-E, 16430-E, 16434-E, 16435-E, 16441-E, 16442-E, 16443-E.)

Samples taken from these lots were found to contain rodent hairs and excreta, cat and human hairs, insects and insect fragments, and miscellaneous filth.

Between February 21 and May 9, 1940, the United States attorneys for the Southern District of Illinois, Eastern District of Missouri, Western District of Missouri, and District of Nebraska filed libels against 68 cases of candy at Quincy, Ill.; 58 cases at Kirksville, Mo.; 14 cases at Sedalia, Mo.; 157 cases at Omaha, Nebr.; 1 barrel at Monroe City, Mo.; 50 cases at Kansas City, Mo.; 34 cases at Grand Island, Nebr.; and 5 cases at Lexington, Nebr., alleging that the article had been shipped in interstate commerce within the period from on or about September 11, 1939, to on or about April 16, 1940, by Walter T. Hall & Co. from Ottumwa, Iowa; and charging that it was adulterated. On May 27, 1940, the libel filed at Kirksville, Mo., on February 21, 1940, was amended to include an additional 5 cases. The article was labeled in part variously: "Hall's Chocolates Tease The Taste Special Choc."; "Royal Crisples Hall's Confections"; "Handy Pack Asst."; "Pyramid Choc. Hall's Chocolates"; "Orange Slices"; Hall's Ottumwa Iowa Assorted Halo Jellies"; "Midget Caramels"; "Assorted Banner